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February 2, 2012

**BY FEDERAL EXPRESS**

The Honorable William H. Pauley III  
U.S. District Court for the  
Southern District of New York  
500 Pearl Street, Room 2210  
New York, New York 10007

FEB 3 2012

CLERK OF  
WILLIAM H. PAULEY  
U.S.D.J.

Re: Hard Rock Café International (USA), Inc. v.  
Hard Rock Hotel Holdings, LLC et al., 10 CV 7244 (WHP)

Dear Judge Pauley:

As the Court is aware, plaintiff and counsel for the new owners of the Las Vegas Hard Rock Hotel & Casino have been engaged in discussions concerning settlement for a number of months. The discussions continue to make progress, although there are significant issues that remain to be resolved. Both parties and their counsel have met in person on multiple occasions in New York and Florida, and on two occasions with Judge Sweet in his role as mediator. All parties to these discussions believe that the talks should be permitted to continue so long as progress continues to be made.

Pursuant to the most recent Amended Stipulation and Order entered into on December 21, 2011, plaintiff's deadline to file a proposed motion for leave to file a Second Amended Complaint is sometime between February 6 and 13. It is anticipated that the parties will agree on a further Amended Stipulation and Order that extends all aspects of the current schedule, but there have been some delays in identifying convenient dates for both the parties and Judge Sweet with regard to those discussions.

★ Accordingly, I write to request that the deadline for plaintiff to file the aforementioned motion be extended by one week (i.e., so that the new deadline is between February 13 and 20, 2012). We anticipate that, next week, the parties will submit a further Amended Stipulation and Order that extends the full schedule.

All counsel of record have consented to this request.

*Application granted.*

SO ORDERED:

*William H. Pauley III*  
WILLIAM H. PAULEY III U.S.D.J.

2/13/12



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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'B. Ewing', written in a cursive style.

Bruce R. Ewing

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cc: All Counsel of Record (via electronic mail)  
Hon. Robert W. Sweet (by Federal Express)